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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH NATHANIEL JOHNSON,

Defendant.

Case No.: 2:15-mj-00620-VCF

Stipulation to Continue Preliminary Hearing
Date (Second Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Daniel Bodgen, United States Attorney, Brandon C. Jarock, Assistant United States Attorney, counsel for the United States of America and William Carrico, AFPD, counsel for defendant JOSEPH NATHANIEL JOHNSON:

THAT THE PRELIMINARY HEARING CURRENTLY SCHEDULED FOR September 14, 2015, at 4:00 p.m. before U.S. Magistrate Cam Ferenbach be vacated and set to a time convenient for the Court, but no earlier than 30 days from the current setting.

This stipulation is entered into for the following reasons:

1. The government has provided defense counsel with limited Rule 16 Discovery and a will be providing a written plea agreement this week. Counsel for the defendant

1 requests an opportunity to review the discovery and discuss the proposed plea agreement
2 with his client prior to a preliminary hearing or an indictment.

- 3 2. Counsel for the defendant and counsel for the government agree to the continuance.
- 4 3. The defendant is detained and agrees to the continuance.
- 5 4. Denial of this request for continuance could result in a miscarriage of justice.
- 6 5. The additional time requested by this Stipulation is excludable in computing the time
7 from the filing of the criminal complaint through which the government must assert an
8 criminal Information or seek an Indictment by the Grand Jury pursuant to the Speedy
9 Trial Act, Title 18, United States Code Section 3161(h)(7)(A), when considering the
10 factors under Title 18, United States Code, Sections 3161(h)(7)(B) and
11 3161(h)(7)(B)(iv).
- 12 6. This is the second request for a continuance.

13 Dated this 8th day of September, 2015.

14 Respectfully Submitted,

15 DANIEL G. BOGDEN
16 United States Attorney

17 /s/ Brandon C. Jaroch
18 BRANDON C. JAROCH
19 Assistant United States Attorney

20 /s/ William Carrico
21 WILLIAM CARRICO
22 Counsel for JOSEPH N. JOHNSON
23
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FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The period within which the government may assert an Information or seek an Indictment through the Grand Jury against the defendant is hereby extended from the date of the filing of the complaint up through and including October 14, 2015.
2. All parties agree to the continuance.
3. The defendants are detained and agree to the continuance.
4. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United

1 States Code Section 3161(h)(7)(A), when considering the factors under Title 18, United States
2 Code, Sections 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

3 5. This is the second request to continue the preliminary hearing.

4 For all of the above-stated reasons, the end of justice would best be served by a
5 continuance of the preliminary hearing.

6 ORDER

7 IT IS ORDERED that the preliminary hearing currently scheduled for September 14,
8 2015, at 4:00 p.m. be vacated and continued to 10-16-2015, at the hour of
9 4:00 p. .m.

10 DATED this 8th day of September 2015.

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12 
13 UNITED STATES MAGISTRATE JUDGE